

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8  
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: September 22, 2004 Name: Tadashi Horie Reg. No. 40,437 Signature: Tadashi Horie

BRINKS  
HOFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Motoharu MIYAKE  
Hiroshi INAMURA  
Osamu TAKAHASHI  
  
Appln. No.: 10/807,505  
  
Filed: March 23, 2004  
  
For: COMMUNICATION DEVICE,  
TRANSMISSION CONTROL METHOD,  
AND PROGRAM PRODUCT

Examiner: To Be Assigned

Art Unit: 2661

Attorney Docket No: 9683/173

Mail Stop: Missing Parts  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Response to Notice to File Missing Parts (in dup.), Returned Copy of Notice to File Missing Parts, Combined Declaration and Power of Attorney, Check for \$900  
☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.  
☐ Small Entity.  
☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
☒ A late filing fee or oath or declaration surcharge in an amount of \$130 under 37 C.F.R. § 1.16(e).  
☒ A late filing fee has been calculated as shown below:

Claims as Filed	Col. 1	Col. 2
For	No. Filed	No. Extra
Basic Fee		
Total Claims	8-20	0
Indep. Claims	3-3	0
Multiple Dependent Claims Present		

\*If the difference in col. 1 is less than zero, enter "0" in col. 2.

Small Entity	
Rate	Fee
	\$ 385
x\$9=	\$
x\$43=	\$
+\$145=	\$
Total	\$

Other Than Small Entity	
Rate	Fee
	\$ 770
x\$18=	\$
x\$86=	\$
+\$290=	\$
Total	\$770

Fee payment:

- ☒ A check in the amount of \$900 to cover the above-identified fee(s) is enclosed.  
☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).  
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

September 22, 2004  
Date

Tadashi Horie  
Tadashi Horie (Reg. No. 40,437)



I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313

on September 22, 2004

Date of Deposit

Tadashi Horie Reg. No. 40,437

Name of applicant, assignee or  
Registered Representative

*Tadashi Horie*

Signature

September 22, 2004

Date of Signature

Our Case No. **9683/173**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Motoharu MIYAKE  
Hiroshi INAMURA  
Osamu TAKAHASHI

Serial No.: 10/807,505

Filed: March 23, 2004

For: COMMUNICATION DEVICE,  
TRANSMISSION CONTROL METHOD,  
AND PROGRAM PRODUCT

Attention: Manager,  
Application Branch

### RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED

Mail Stop: Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:


In accordance with the Notice to File Missing Parts of Nonprovisional Application dated September 1, 2004, a copy of which is attached, enclosed herewith for filing are the following documents:

- ☒ Fully executed Declaration for Patent Application and Power of Attorney for the above-referenced patent application.

- ☒ Applicant:
- ☐ claims small entity status. See 37 CFR1.27.
- ☒ is other than small entity
- ☒ A Check in the amount of \$900 for:
- ☒ Filing Fee of \$770.
- ☒ Surcharge of \$130.
- ☐ Additional Claim Fees of \$\_\_\_\_.
- ☐ Petition for Extension of Time (37 C.F.R. § 1.136(a)) to file missing parts (in duplicate).
- ☐ Other: \_\_\_\_\_.
- ☒ The Commissioner is hereby authorized to charge any deficiencies in fees or credit overpayment to Deposit Account No. 23-1925. A duplicate copy of this paper is enclosed.

Respectfully submitted,

Dated September 22, 2004

  
\_\_\_\_\_  
Tadashi Horie  
Registration No. 40,437  
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610  
(312)321-4200



SEP 27 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/807,505	03/23/2004	Motoharu Miyake	9683/173

CONFIRMATION NO. 3404

00757  
 BRINKS HOFER GILSON & LIONE  
 P.O. BOX 10395  
 CHICAGO, IL 60610

## FORMALITIES LETTER



\*OC000000013694234\*

Date Mailed: 09/01/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$900** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

09/28/2004 MBIZUNES 00000059 10807505

01 FC:1001  
02 FC:1051770.00 OP  
130.00 OP

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to be 'CM' followed by a stylized name, is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE